

# HOUSE . . . . . No. 559

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Garrett J. Bradley**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to protect the integrity of initiative and referendum petitions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Garrett J. Bradley	3rd Plymouth
Mark V. Falzone	9th Essex

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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## AN ACT TO PROTECT THE INTEGRITY OF INITIATIVE AND REFERENDUM PETITIONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** Section 22A of chapter 53 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the sentence ending in “secretary” in line 20 the following sentences: – Each initiative and referendum petition shall have printed thereon an affidavit in substantially the following form, which shall be executed by the person circulating the petition prior to its submission to the registrar of a city or town: “Commonwealth of Massachusetts, County of (county where signed), ss. I, (name of circulator), state under the pains and penalties of perjury that I reside at (full residential address, including number and street, apartment number where applicable, city or town, state and zip code); that each signature contained on this petition was executed in my presence; and that to the best of my knowledge and belief each person whose signature appears on this petition is a voter qualified to sign this petition; and that each signature contained on this petition is the genuine signature of the person whose name it purports to be (Signature of circulator and date).” No city or town registrar shall certify any signature on any petition where the forgoing affidavit has not been duly executed by the person circulating the petition, or where the name and address of the circulator is incomplete or not plainly legible..

**SECTION 2.** Chapter 53 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting the following sections after section 22B: –

Section 22C. A person may not pay a circulator of an initiative or a referendum petition or another person who causes the circulation of an initiative or referendum petition for the collection of signatures if that payment is based on the number of signatures collected. Nothing in this section prohibits a circulator of an initiative or a referendum petition or a person who causes the circulation of an initiative or referendum petition from being paid a salary that is not based on the number of signatures collected.

Section 22D. No person may simultaneously solicit signatures on petitions relating to more than one initiative or referendum question.

**SECTION 3.** Section 10 of chapter 55B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking the word “twenty-first” as appearing in line 17 and substituting in place thereof the word: – “forty-second.”

**SECTION 4.** Section 11 of chapter 56 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting the following words after the word “altered” in line 7: – “or knowingly or willfully executes falsely the affidavit required on initiative and referendum petitions by section 22A of chapter 53.”.

**SECTION 5.** The General Laws is hereby amended by inserting after chapter 52 the following chapter: –

CHAPTER 52A  
REGISTRATION OF SIGNATURE GATHERERS FOR  
INITIATIVE AND REFERENDUM PETITIONS

Section 1. The following words and phrases as used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:–

(a) “Business”, any person, including without limitation, a natural person, foreign or domestic corporation, partnership, limited liability company, proprietorship, society or association, or any similar entity howsoever formed, who employs or contracts with any paid signature gatherer as defined in this chapter.

(b) “Initiative or referendum petition”, any petition for an initiative or referendum as provided in Amendment Article XLVIII of the Constitution, as amended.

(c) “Paid signature gatherer”, an individual who is compensated through payments of money or other valuable consideration, whether as an employee or independent contractor, to obtain signatures on an initiative or referendum petition.

(d) “Prime sponsor or sponsors”, the first ten signers of an initiative or referendum petition as well as any persons who hold themselves out publicly as the sponsor of an initiative or referendum petition.

(e) “Secretary”, the secretary of the commonwealth.

(f) “Volunteer signature gatherer”, an individual who is not compensated through payments of money or other valuable consideration to obtain signatures on an initiative or referendum petition.

(g) The definitions in section 1 of chapter 50 shall apply to this chapter insofar as applicable.

Section 2. (a) Registration with the secretary is required for: (1) all businesses operating in the commonwealth engaged in the activity of collecting signatures for initiative or referendum petitions and that are using paid signature gatherers; and (2) all paid signature gatherers.

(b) Registration is valid for: (1) Only one initiative or referendum petition in the case of a paid signature gatherer. In the event a paid signature gatherer is gathering signatures for more than one initiative or referendum petition, registration and a separate registration number is required for each petition. The secretary shall provide each registered signature gatherer with an individual registration number for each initiative or referendum petition on which signatures will be gathered; and (2) one calendar year in the case of a business operating in the commonwealth engaged in the activity of collecting signatures for initiative or referendum. In the event that a business becomes involved with the collection of signatures for initiative or referendum petitions that are using paid signature gatherers that were not listed on their original registration for that calendar year, the business must notify the secretary within five working days of becoming involved in the new petition.

(c) To register with the secretary, a paid signature gatherer must provide:

(1) His or her full name and assumed name, if any;

(2) The street address of his or her permanent residence;

(3) His or her signature;

(4) A list of the initiative or referendum, petitions on which the paid signature gatherer will gather signatures;

(5) A signed statement attesting that the paid signature gatherer: (i) has not been convicted of a criminal offense involving fraud, forgery, or identification theft within the past five years; (ii) has not been adjudicated to have engaged in corrupt practices with regard to elections as defined in section 32 of chapter 55, or its equivalent in another jurisdiction; (iii) has not been convicted of any offense under chapter 56 of the General Laws, or the equivalent laws of any other jurisdiction within the past five years; and (iv) is not a convicted sex offender;

(6) A signed statement acknowledging that the paid signature gatherer has read and understands Massachusetts law applicable to the gathering of signatures initiative or referendum, or petitions;

(7) A conventional photograph showing the paid signature gatherer's head, neck, and shoulders, and is appropriate for copying and processing by the secretary.

(d) To register with the secretary, a business operating in this state engaged in the activity of collecting signatures for initiative or referendum petitions that is using paid signature gatherers must provide:

(1) The name of the business as registered with the applicable state or municipal agency depending on the business structure, which may include the department of revenue, the secretary or a city or town clerk, as well as any other names under which the business is doing business or any trade names;

(2) The street address of the main office in the state, the mailing address, if different, the office phone number, and the business e-mail address, if any. If the business is operated out of a residence, the residence shall be considered the main office for the purposes of this subsection;

(2) The full name of the business owner or owners and any assumed names;

(3) A signature of the business owner or owners;

(4) A signed statement attesting that the business owner or owners: (i) have not been convicted of a criminal offense involving fraud, forgery, or identification theft within the past five years; (ii) have not been adjudicated to have engaged in corrupt practices with regard to elections as defined in section 32 of chapter 55, or its equivalent in another jurisdiction; (iii) have not been convicted of any offense under chapter 56 of the General Laws, or the equivalent laws of any other jurisdiction within the past five years; (iv) are not a convicted sex offenders.

(5) A list of the initiative or referendum petitions on which the business will be involved with the gathering of signatures;

(6) A signed statement acknowledging the business owner or owners have read and understand Massachusetts law applicable to the gathering of signatures on initiative or referendum petitions; and

(7) A conventional photograph showing the paid signature gatherer's head, neck, and shoulders, and is appropriate for copying and processing by the secretary.

(e) A person, including a business owner, is ineligible for registration under this section if he or she: (i) has been convicted of a criminal offense involving fraud, forgery, or identification theft within the past five years; (ii) has been adjudicated to have engaged in corrupt practices with regard to elections as defined in section 32 of chapter 55, or its equivalent in another jurisdiction; (iii) has been convicted of any offense under chapter 56 of the General Laws, or the equivalent laws of any other jurisdiction within the past five years; or (iv) is a convicted sex offender.

(f) When gathering signatures, a paid signature gatherer must carry on his or her person evidence of registration including the paid signature gatherer's photograph and registration number. If requested the paid signature gatherer shall produce the evidence of registration.

Section 3. The secretary shall adopt regulations necessary to implement this chapter, including rules establishing procedures for registering persons who may be paid money or other valuable consideration for obtaining signatures of voters on initiative or referendum petitions, procedures for the revocation of registrations and the assessment of civil penalties authorized by this chapter.

Section 4. If a person receives money or other valuable consideration for obtaining signatures of voters on an initiative or referendum petition and the paid signature gatherer was not registered as required by section 2 of this chapter at the time the signatures were obtained, the signatures shall not be counted for purposes of determining initiative or referendum petition contains the required number signatures of voters.

Section 5. (a) A registered paid signature gatherer who knowingly submits an invalid signature will have his or her registration number revoked and he or she is prohibited from registering for five years from the date of the secretary's revocation order. This subsection applies when: (i) the paid signature gatherer provides a petition that contains an invalid signature as determined by the secretary; and (ii) the secretary determines that the signature was obtained by that paid signature gatherer and the paid signature gatherer knew or should have known the signature was invalid. However, this subsection does not apply when the paid signature gatherer had no knowledge or reason to know that the signature was invalid including, but not limited to, the paid signature gatherer did not know and had no reason to know the signature was a duplicate, that the person's signature had changed over time and no longer matched the signature on file with the city or town registrar, that the person had moved to a new residence but failed to update his or her voter registration before signing the petition, and the signature did not match a valid registered voter.

(b) When the secretary is informed that a registered paid signature gatherer: (i) has been convicted of a criminal offense involving fraud, forgery, or identification theft; (ii) has been adjudicated to have engaged in corrupt practices with regard to elections as defined in section 32 of chapter 55, or its equivalent in another jurisdiction; (iii) has been convicted of any offense under chapter 56 of the General Laws, or the equivalent laws of any other jurisdiction within the past five years; (iv) has been determined by the secretary to have submitted false information on his or her registration application, he or she shall have his or her registration number revoked and he or she is prohibited from applying for future registrations for a period of five years from the date of the secretary's revocation order.

(c) When the secretary is informed that a paid signature gatherer has been convicted of any sex offense, he or she will have his or her registration number permanently revoked and he or she is prohibited from applying for or obtaining future registrations.

Section 6. The failure to register under section 2 of this act by a business operating in the commonwealth engaged in the activity of collecting signatures for initiative or referendum, petitions using paid signature gatherers will result in the invalidation of any signatures gathered by the business and its paid signature gatherers and will be subject to civil penalties of up to ten thousand dollars.

Section 7. This chapter does not apply to volunteer signature gatherers.

**SECTION 6.** This act shall take effect upon its passage.